

AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE:

HUTZELL

United States District Court
 for the

WESTERN

DISTRICT OF

OKLAHOMA

United States of America

v.

Alejandro Maldonado, Jr.,

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Case No: MJ-21- 333 -SM

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 25, 2021 in the county of Oklahoma County, in the Western District of Oklahoma, the defendant violated:

Code Section

Offense Description

18 U.S.C. § 922(g)(1).

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

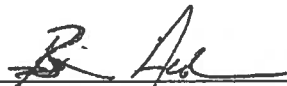
See attached Affidavit of Special Agent, Brian Anderson, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: June 2, 2021

City and State: Oklahoma City, Oklahoma



BRIAN ANDERSON

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
 Explosives (ATF)



Judge's signature

SUZANNE MITCHELL, U.S. Magistrate Judge
 Printed name and title

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

State of OKLAHOMA)
)
County of OKLAHOMA)

AFFIDAVIT

I, Brian Anderson, having been duly sworn, depose and state as follows:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since September of 2014. I am currently assigned to the Oklahoma City Field Office. In my capacity as a Special Agent, I am empowered to investigate violations of the laws of the United States and execute warrants issued under the authority of the United States.

During the course of my career in law enforcement, I have participated in and have received training in criminal investigations involving violations of federal firearms laws. I have used a variety of methods when investigating firearms related crimes, including, but not limited to, visual surveillance, witness interviews, the use of search warrants, confidential informants, undercover agents, mobile tracking devices, and consent searches.

I am familiar with the facts and circumstances of the investigation set forth below based on my personal investigation, discussions with other law enforcement personnel, and my review of records and documents relating to this investigation. The information in this affidavit is submitted for the limited purpose of securing a criminal complaint and arrest warrant for Alejandro Maldonado Jr. (MALDONADO) (DOB: xx/xx/1983; SSN: xxx-xx-

3651) for possession of a firearm/ammunition, in violation of 18 U.S.C. § 922(g)(1). Because this affidavit is being submitted for the limited purpose of securing a complaint and arrest warrant, I have not included every fact known to me concerning this investigation. Instead, I have listed those facts I believe necessary to establish probable cause to believe that the defendant committed the above identified crime.

FACTS IN SUPPORT OF PROBABLE CAUSE

1. On or about May 25, 2021, Officer Austin Kitch with the Oklahoma City Police Department (OCPD) was on patrol when he observed a Chevrolet Uplander, bearing OK license plate KTL322, make an improper right turn from SW 44th St. onto Pennsylvania Ave., in Oklahoma City, Oklahoma. Officer Kitch conducted a traffic stop on the vehicle, which took place at SW 25th St. and Pennsylvania Ave., Oklahoma City, Oklahoma. The driver and sole occupant of the vehicle was identified as MALDONADO.

2. Officer Kitch asked MALDONADO for his driver's license and insurance verification, to which MALDONADO replied that he did not have a driver's license. Officer Kitch then asked MALDONADO to exit the vehicle to detain him for officer safety while verifying MALDONADO's statement regarding his driver's license. Officer Kitch detained MALDONADO in handcuffs and escorted him to the patrol vehicle. Prior to being placed inside of the patrol vehicle, Officer Kitch conducted a cursory weapons search of MALDONADO. During the search, Officer Kitch located a Bersa, Model Thunder 380, .380 caliber pistol, with an obliterated serial number, in the right side of MALDONADO's waistband. The firearm was magazine loaded with seven (7) live rounds of .380 caliber ammunition in the magazine.

3. Officer Kitch confirmed that MALDONADO had prior felony convictions, specifically, Oklahoma County case number CF-2012-4522 (Larceny of an Automobile), and case number CF-2019-1300 (Escape from a Penitentiary).

4. Prior to towing MALDONADO's vehicle, OCPD Officers Kitch and David Gray completed an inventory search of the Chevrolet Uplander, and found the following items:

- An opaque crystalline substance, weighing .61 grams was found in the driver's side coin compartment. The substance field-tested positive for methamphetamine.
- One (1) wallet with MALDONADO's OK identification card and social security card was found in the center console.
- One (1) red fanny-pack style pouch that contained U.S. Currency was found lying on the floor between the front seats of the vehicle. The currency was found packaged as a "brick" in a plastic bag wrapped in masking tape, and the pouch contained loose currency in addition to the "brick." The total amount of U.S. Currency was later determined to be approximately \$10,125.00.

5. On May 27, 2021, I conducted a search of the Oklahoma Department of Corrections website and confirmed that MALDONADO had at least one prior felony conviction for a crime punishable by a term of imprisonment exceeding one year, specifically, Oklahoma County case number CF-2019-1300. I reviewed the case on the Oklahoma State Courts Network and learned that MALDONADO was present for all

pertinent court proceedings, and therefore I believe he had knowledge of his prohibiting conviction.

6. Although an official examination of the firearm to determine interstate nexus is pending, I know from training and experience that Bersa pistols, like the one recovered from MALDONADO, are not manufactured in Oklahoma. Further, according to ATF Special Agent Brenden Taylor, an Interstate Nexus Examiner, the firearm would have been manufactured outside of Oklahoma, meaning it crossed state lines to reach Oklahoma, thereby affecting interstate commerce.

CONCLUSION

7. Based upon the aforementioned facts and circumstances, I believe there is probable cause to believe that MALDONADO, a convicted felon, did knowingly violate Title 18, United States Code, § 922(g)(1).

FURTHER, YOUR AFFIANT SAYETH NOT.

Respectfully submitted,



BRIAN ANDERSON

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me this 2nd day of June 2021.



SUZANNE MITCHELL

United States Magistrate Judge